

REMARKS

Claims 1-19 remain in the application. The actions taken are in the interest of expediting prosecution and with no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art. Moreover, the amendment or cancellation of claims herein is without prejudice to pursuing claims of different scope by way of continuing Application. Reconsideration of this application is respectfully requested.

35 U.S.C. § 103

Claims 1, 5-12 and 16-19 are rejected under 35 U.S.C. § 103 as being unpatentable over Yoshida et al. (U.S. Patent No. 6,130,757, hereinafter Yoshida et al.). Claims 2-4 and 13-15 are rejected under 35 U.S.C. § 103 as being unpatentable over Yoshida et al. in view of Jones et al. (U.S. Patent No. 6,003,061, hereinafter Jones et al.). Applicant's independent claims 1 and 12, call for, among other things, an *asynchronous request* having a corresponding *asynchronous entity*, wherein the asynchronous request is received by the focus manager, wherein the asynchronous request is stored in the queue and assigned a priority level, wherein based on the priority level the asynchronous entity takes control of the plurality of user interface device resources from the entity, wherein the asynchronous entity utilizes the plurality of user interface device resources, and wherein the asynchronous entity returns control of the plurality of user interface device resources to the entity.

Applicants' respectfully traverse the rejection and request reconsideration. It is incumbent upon the Examiner to prove a *prima facie* case of obviousness (MPEP 2143). To establish a *prima facie* case three basic criteria must be met. First, the prior art reference must teach or suggest all the claim limitations. Second, there must be a reasonable expectation of success. Finally, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference.

TRAVERSE (i): The combination does not provide Applicants' claimed invention.

Yoshida et al. teaches a client apparatus, connected to a plurality of server apparatuses in a network, for requesting one of the plurality of server apparatuses to execute a job according to

the instructions of a user (column 2, lines 31-55). The operator of the client apparatus can realize the functions provided by the server apparatuses in the network and it is also possible for the operator to request jobs of the server apparatus without updating a program (column 2, lines 60-65). Yoshida et al. goes on to teach that a client or server terminal is a copying machine where the operator of the client/server terminal (copying machine) inputs information that creates a job that is further prioritized by a job management table. Jobs, for example are printing, image editing, facsimile transmitting, etc. – all jobs initiated and created by a user of the client device (column 9, line 15 to column 10, line 23). It is clear that all of the functions provided Yoshida et al. are requested by a user of the client/server terminal, which is disclosed in Yoshida et al. as a copy machine.

Applicants' on the other hand, claim an *asynchronous request and an asynchronous entity*. Page 4, lines 26-30 of Applicant's specification define an asynchronous entity as an entity that "*is not selectable by, for example, the user or subsystem of information appliance device 102.*" Page 4, lines 26-30 also define an asynchronous request 209 as "*a non-user initiated or unpredictable request for the use of any of the plurality of user interface device resources by asynchronous entity 214.*" Applicants respectfully point out that contrary to Examiner's assertions, an asynchronous entity is not merely a function provided by a server. Yoshida et al. only teaches requests and jobs that are initiated by a user or subsystem and are therefore predictable as they are tied to the request of the user and will not arise absent a request initiated by a user. Yoshida et al. does not teach or suggest an asynchronous request or an asynchronous entity as claimed in Applicants independent claims 1 and 12, and as clearly defined in Applicants specification.

Jones et al. teaches consumer entities requesting the commitment of a share of system resources and the system determining whether the specified share of the resource should be committed to the requesting consumer entity (abstract). Jones et al. goes on to teach arbitrating requests from consumer entities and resource usage among application programs that run simultaneously. The consumer requests taught by Jones et al. are clearly initiated by a user and are not asynchronous requests or asynchronous entities as claimed in Applicant's independent claims 1 and 12.

Clearly, neither Yoshida et al. nor Jones et al. disclose, teach or suggest an *asynchronous request* having a corresponding *asynchronous entity*, wherein the asynchronous request is

received by the focus manager, wherein the asynchronous request is stored in the queue and assigned a priority level, wherein based on the priority level the asynchronous entity takes control of the plurality of user interface device resources from the entity, wherein the asynchronous entity utilizes the plurality of user interface device resources, and wherein the asynchronous entity returns control of the plurality of user interface device resources to the entity.

Since neither Yoshida et al nor Jones et al. teach or suggest the above features of independent claims 1 and 12, Yoshida et al and Jones et al. do not include all of the elements of Applicants independent claims 1 and 12. Therefore, the combination cannot make obvious the Applicants' claimed invention.

TRAVERSE (ii): There is no motivation or suggestion contained in the cited art to combine the teachings of the references.

Before obviousness may be established, the Office Action *must show specifically* the principle, known to one of ordinary skill that suggests the claimed combination. In re Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002). In other words, the Examiner *must explain* the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention. Id. The factual question of motivation is material to patentability and *cannot be resolved based on subjective belief and unknown authority*. Id. at 1344. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined *only* if there is some suggestion or incentive to do so. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577 (Fed. Cir. 1984). The critical inquiry is whether there is something in the prior art as a whole *to suggest* the desirability, and thus the obviousness, of making the combination. Fromson v. Advance Offset Plate, 755 F.2d 1549, 1556 (Fed. Cir. 1985). The Office Action *fails to show either a suggestion in the art or a compelling motivation based on sound scientific principles to combine the references and therefore the rejection under 35 U.S.C. § 103(a) is improper and should be withdrawn*. Applicants respectfully submit that there is no suggestion to combine the references, and if they could be properly combined, do not lead to the Applicants' invention.

Claims 2-11 depend either directly or indirectly from claim 1 and are allowable over the prior art for the same reasons as claim 1.

Claims 13-19 depend either directly or indirectly from claim 12 and are allowable over the prior art for the same reasons as claim 12.

Prior Art

The references cited but not relied upon are believed not to anticipate or make obvious Applicants' invention.

Summary

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Respectfully submitted,

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